

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 MARGARET A. MCKENNA,
12 individually and on behalf of all others
13 similarly situated,
14 Plaintiff,
15 v.
16 MONARCH RECOVERY
17 MANAGEMENT, INC.,
18 Defendant.

Case No.: 17cv223 JM (BLM)

**ORDER GRANTING JOINT
MOTION TO SET ASIDE DEFAULT**

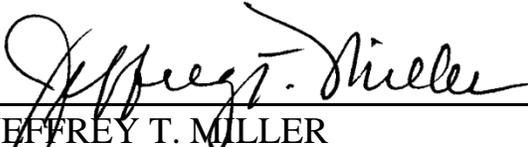
19 On April 18, 2017, Plaintiff Margaret McKenna and Defendant Monarch Recovery
20 Management, Inc. (“MRM”) filed a joint motion, (Doc. No. 10), to set aside the Clerk’s
21 entry of default against MRM, (Doc. No. 9). Federal Rule of Civil Procedure 55(c)
22 provides that a “court may set aside an entry of default for good cause.” To determine
23 whether good cause exists, the court considers: (1) whether the party against whom
24 default was entered “engaged in culpable conduct that led to the default”; (2) whether that
25 party had a meritorious defense; or (3) “whether reopening the default judgment would
26 prejudice the other party.” United States v. Signed Pers. Check No. 730 of Yubran S.
27 Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010).

28 Here, the parties agree that MRM did not engage in culpable conduct that led to the

1 default and that Plaintiff would not be prejudiced by setting aside the default.
2 Accordingly, the court finds that good cause exists and sets aside the Clerk's entry of
3 default.

4 IT IS SO ORDERED.

5
6 DATED: April 19, 2017

7 
8 _____
9 JEFFREY T. MILLER
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28